# Colorado Department of Public Safety

## Performance Management Program



June 1, 2002
(Revised)

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# Performance Management Planning and Evaluation Form (CDPS 221)

I. Overview of Program

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The Performance Management Program (PMP) is the Colorado Department of Public Safety's implementation tool for Colorado's Performance Pay System, a program designed to reward member performance. The program was mandated after legislation passed in 2000, modifying the State's movement toward performance-based pay that was formerly addressed by Colorado Peak Performance. The State's Performance Pay System became effective on July 1, 2001, with payouts to begin July 1, 2002.

CDPS is a unique agency, and it is imperative that any performance pay system be applied with consideration of not only our members, but also our customers. Criminal justice agencies are held to a higher standard of professionalism, integrity, competence, and conduct. PMP must reflect and preserve these standards.

The Department will strive to maintain an equitable partnership with its managers and members when setting the Department's mission, establishing its strategic plan, setting priorities and goals, developing performance plans, and measuring and rewarding performance. The Department's mission contains the values necessary for implementing performance management within CDPS:

The mission of the Colorado Department of Public Safety is to provide a safe environment in Colorado by maintaining, promoting, and enhancing public safety through law enforcement, criminal investigations, fire and crime prevention, recidivism reduction, and victim advocacy. The CDPS also provides professional support of the criminal justice system, fire safety community, other governmental agencies, and private entities. Throughout, our goal is to serve the public through an organization that emphasizes quality and integrity.

The Performance Management Program Team (PMP Team or Team) was established by then-Executive Director Aristedes W. Zavaras and the Colorado Department of Public Safety Executive Team in 1999 to assist the Department in preparing for and implementing performance management. The Team then took on the challenge of changing course from Colorado Peak Performance to the Performance Pay System in 2000. The Team is led by Ms. Pamela Sillars, as the Department's point person for performance management. The Team represented a cross-section of members, with at least one representative from each division, and worked to provide an efficient, fair and flexible performance management system that could be utilized by the entire Department. The Performance Management Team was responsible for working toward the planned implementation of Colorado Peak Performance, which then became the Performance Pay System, within the Department; the performance management tools; and the line-of-sight principles to guide the Department in its implementation of the performance-based pay program. It is planned that the Team will continue to work within CDPS to assist in the evaluation, revision, and maintenance of performance management.

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The members of the Performance Management Program Team are:

Ms. Pamela Sillars, CDPS Point Person for Performance Management

Ms. Theresa Wojahn, CDPS HRS Director

Ms. Jane Crisman, CDPS Policy Director

<u>Division Representatives:</u>

Ms. Jan Bostwick, Division of Criminal Justice

Capt. Hal Butts, Colorado State Patrol

Sgt. Raymond Fisher, Colorado State Patrol

Ms. Patricia Grisanti, Executive Director's Office

Capt. Michael Karavolas, Colorado State Patrol

Ms. Mary Anne Kramer, Colorado Bureau of Investigation

Ms. Theresa Staples, Division of Fire Safety

Mr. Anthony Tilger, Division of Criminal Justice

The following were members of the original committee during work on the Colorado Peak Performance component of performance management: Ms. Patricia Ransome, Division of Criminal Justice; Captains Jody Witt, Steve Powell, and Bruce Sheetz, and Sgt. Mike Farnsworth, Colorado State Patrol; and Agent Susan Kitchen, Colorado Bureau of Investigation. Ms. Janelle Darnell, Division of Criminal Justice, participated in the later revision and fine-tuning process.

The Department's Performance Management Program follows these guiding principles:

#### A. Performance Management Program - Paradigm Shift

Performance-based pay and performance-based management require members of the Colorado Department of Public Safety to undergo a paradigm shift from the traditional "reward for longevity" system. As a result of this shift, the performance planning and evaluation tool is subject to change as the needs of the Department change, and as the state may adjust its system.

#### B. No Surprises

- 1. No surprises means that members and supervisors will have an on-going dialogue, both formal and informal, regarding the development and implementation of the member's performance plan, objectives, and revisions throughout the performance year. This dialogue is in addition to the mandatory, documented midyear progress and final reviews.
- 2. Supervisors will provide practical and on-going coaching and feedback regarding performance. This includes establishing performance planning and evaluation activities that require active participation by both supervisor and staff to ensure that the final evaluation is not a surprise.

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#### C. The Feedback Cycle and Process

- 1. CDPS recognizes that the feedback process for the Performance Management Program is a vital part of the program and is critical to its success.
- 2. Feedback is defined as information about past behavior, delivered in the present, which may influence future behavior. Continuous feedback, in both directions, between member and supervisor is especially important.
- 3. Feedback gives the member information about how the member affects others, helps to keep member behavior on target, and thus helps the member to better achieve his/her goals. In turn, this will help the unit, the branch, the division, and the agency meet their goals.

#### D. Gathering Information

- 1. Multiple pieces of information are to be considered during the evaluation and planning processes: the evaluation tool itself, customer satisfaction/feedback approaches, competency, capability and other performance-related behaviors.
- 2. Information collected is to be treated as a tool. Supervisors may collect information regarding member performance from a variety of sources, both internally and externally. This information may be used in the evaluation or planning process. Supervisors must be aware that this information should be used appropriately.

#### E. Performance Ratings

1. Performance Rating Levels:

For the 12-month evaluation cycle beginning April 1, 2001 and annually thereafter, CDPS will use the following labels for the four performance levels required under the new State Performance Pay System:

Level 1—Does Not Meet Standards

Level 2—Meets Standards

Level 3—Frequently Exceeds Standards

Level 4—Consistently Exceeds Standards

These labels may be revised in the future to match the labels selected for statewide use.

a. When a member's performance frequently does not meet the position's objectives or requirements (standards), the performance level is considered to be at Level 1 (Does Not Meet Standards). A final overall rating at this level shall

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trigger a course of progressive measures designed to enable the member to improve his or her performance. It will result in a performance improvement plan (CDPS 223), a corrective action, or a disciplinary action, pursuant to State Department of Personnel, Personnel Board Rules and Personnel Director's Administrative Procedures (hereinafter referred to as *State Personnel Rules and Administrative Procedures*) R-6-4. Level 1 performers are not eligible for a performance award.

- b. The Level 2 (Meets Standards) performer's results consistently meet the majority of the position's objectives or requirements (standards). This individual is a successful and valued member of the department.
- c. The Level 3 (Frequently Exceeds Standards) performer's results often exceed the position's objectives or requirements (standards). For example, the member may have participated in one or more projects or groups, over and above what would normally be assigned to the position during the evaluation year, or may have been called upon to serve in an "acting" or similar capacity at some point.
- d. The Level 4 (Consistently Exceeds Standards) performers's results <u>consistently</u> exceed the position's objectives or requirements (standards). Level 4 is unique and difficult to achieve because it represents consistently exceptional performance, or achievement beyond the regular assignment. This person is a role model. **NOTE:** A single unique or unusual contribution during a rating period does not provide sufficient justification for an overall Level 4 rating for the year.
- e. Level 2, 3 and 4 performers <u>may</u> be eligible for a performance award, based upon whether the member is below or at the range maximum.
- f. The Department recognizes that a large majority of its members operate at Level 2, and a smaller percentage will operate at both Level 3 and Level 4.
- 2. Quotas or forced distribution processes for determining the number of ratings in any of the four performance levels will not be established nor tolerated.
- 3. One form for planning and evaluation will be used across the CDPS. This form (CDPS 221) will be available to all members, either on a shared LAN directory or via electronic bulletin board/Internet site. Other forms that may be used in the performance management program may also be available.

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Completed CDPS 221 forms will be forwarded to CDPS Human Resources, and kept in the member's personnel file.

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#### 4. Distinguishing Levels of Performance

When a rater distinguishes levels of performance among members, these distinctions will be based on:

- Fact-supported judgments
- Use of a preponderance of job-relevant performance information
- Information from a variety of sources.

#### a. Rating Criteria

Performance rating differences among members are based on differences in job-relevant performance among those members. Elements of job performance that may be taken into consideration include:

- 1) Performance in each of the relevant competency areas contained on the member's individual performance plan;
- 2) Performance on the relevant factors within each relevant competency area;
- 3) Performance on the relevant job activities within each relevant factor;
- 4) Performance on the Individual Performance Objectives (IPOs) contained on the member's individual performance plan;
- 5) Performance on the job functions contained on the member's Position Description Questionnaire (PDQ);
- 6) Performance on standards of professional conduct; and
- 7) Other job-relevant information.

#### b. Standards of Professional Conduct

All members are expected to meet basic standards of professional conduct. Examples of professional conduct standards include, but are not necessarily limited to:

- 1) Maintaining good attendance and complying with leave practices.
- 2) Adhering to all applicable laws, rules, procedures, department and division policies.

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3) Maintaining productive working relationships with others.

Failure to abide by these minimum standards of professional conduct is to be considered when determining annual performance ratings. Members who might generally perform at one level of performance may receive a lower overall performance rating if standards of basic professional conduct are not satisfactorily met.

#### F. Performance Awards and Allocation of Funds

- 1. The proposed performance pay system allows the payment of base-and non-base-building performance awards. Annual base and non-base-building performance awards will be a percentage of salary, effective on the state-wide common date of July 1. All awards are subject to available funding and no award will be guaranteed. The State Personnel Director will recommend and publish annually, in conjunction with the Total Compensation Survey on August 1, the maximum percentage of salary for performance awards. This maximum percentage (Z%) will be applied across the state system. The State's annual total compensation survey will be conducted according to statute. The state's performance pay system does not apply to the Senior Executive Service (SES).
- 2. The first year transition to performance pay requires a proration (sometimes referred to as annualization) process. Awards for each level of performance will be specified as a percentage of salary. All members, regardless of whether they were due an anniversary increase in the first payout year, will have their awards pro-rated the first payout year. The exception will be those members with more than one year of experience who did not receive an anniversary increase in the (fiscal) year prior to the payout year. In the first year, this percentage will be calculated by first determining the award percentage as in any other year. Then each individual's actual dollar award would be calculated based on their anniversary date. That dollar amount would then be spread over an entire year (12 months) instead of only the months after the member's anniversary date. Those excepted members (above) will receive the full 12 months of their performance award.
- 3. Final performance evaluation ratings (numerical scores) will be grouped within the established Levels of Performance.
- 4. For those below the range maximum, Level 2 through Level 4 performers may be eligible for base building awards. No base building award will be granted that results in a base salary that exceeds the range maximum.

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- a. Only Level 4 performers may, at the sole discretion of the appointing authority, be granted a non-base building award that results in a dollar amount above the range maximum. Level 4 performers below the traditional maximum salary may receive up to the maximum percentage, set by the State Personnel Director in the annual Total Compensation Survey, of their salary as a base-building salary increase. This is referred to as "Z%"; for example, 10%.
- b. Level 2 and Level 3 performers at the maximum of their pay range may be eligible for only non-monetary awards (if available).
- 5. For any level of performance, the combination of pay and base-building awards cannot exceed the monthly, statutory salary lid.
- 6. A base-building award is an amount of money that permanently adds to the member's base salary; e.g. it does not have to be reearned the following year. A base building award becomes part of the regular base salary beginning in July.
- 7. A non-base building award is an amount of money that is paid to the member one time only, in addition to the member's annual salary. It must be re-earned the following year.
  - a. Non-base building awards are paid in one lump sum in July. The full amount is owed to the member, no matter what change in circumstances occurs after July 1<sup>st</sup>. This includes discipline, transfer to another position or agency, termination, or death.
  - b. The statutory salary lid does not apply to non-base building performance awards.
- 8. Performance pay awards funding will be appropriated by the General Assembly at the department level (within the EDO). PMP award dollars will be calculated at the department level by the department's budget officer, with assistance from the division budget officers regarding members' organizational units and other funding source information.

#### G. Subjectivity

While there will always be an element of subjectivity in the appraisal or evaluation process, CDPS will address this issue through the following actions:

1. A commitment to specific and measurable individual performance objectives

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- 2. Training/Training Manual providing periodic guidance and updates
- 3. A required, documented, midyear progress review in addition to the required annual, year-end review
- 4. Incorporation of the role of the reviewer (next-level supervisor)
- 5. Departmental Dispute Resolution Process

#### H. Time Line

The Colorado Department of Public Safety implemented performance management effective with the Fiscal Year 2000-2001 performance plans. Per State Personnel Rules that became effective July 1, 2001, payouts for the FY 2000-2001 performance cycle will begin July 1, 2002. The state's Performance Pay System allows the payment of base- and non-base-building performance awards. All awards are subject to available funding and no award will be guaranteed.

- 1. The annual performance planning and evaluation cycle will run from April 1 to March 31. This cycle applies to all members within the department.
- 2. June 2002 marks the final "anniversary" increase, according to State Personnel Rules that took effect July 1, 2001. In July 2002 the first performance management awards will be announced, based upon the April 1, 2001 through March 31, 2002 performance evaluations. Pay out of base-building awards will begin on July 1, 2002. Non-base building performance awards will be paid in one lump sum on the July payroll.

#### I. CDPS's Approach

The Colorado Department of Public Safety's approach to performance management begins with the mission, strategic plan, and priorities of the department. Division and work unit goals will be written in alignment with the department goals. Individual performance objectives (IPOs) will align with the division and/or work unit goals.

#### J. Implementation and Transition

Member input was a key factor in the design of the Department's implementation of the Performance Management Program. PMP was established by a core group composed of supervisory and non-supervisory members from all divisions of the CDPS.

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#### II. Performance Management

There are three critical elements of CDPS's Performance Management Program: planning, coaching and feedback, and evaluation. The basis of the performance management cycle includes these three critical elements coupled with the performance-based pay component.

#### A. Performance planning

Each member needs to know what is expected in order to be an effective performer and to actively participate in the process. An effective performance plan includes descriptions of desired results and how they are to be measured.

- 1. Performance plans are to be aligned with the mission, strategic plan and priorities of the department, division and work unit. Each member must have access to a copy of the CDPS's and the division's strategic plan and work unit goals to ensure his/her plan is in alignment with the department's goals.
- 2. A planning session between the supervisor and member for the upcoming 12-month performance cycle must be completed no later than April 30<sup>th</sup> of each year. From this planning session, a performance plan (CDPS Performance Management Plan & Evaluation Form, CDPS 221) must be completed. A member's performance plan should begin on April 1<sup>st</sup> of each year and will be effective for one year (12 calendar months). For new members, this planning meeting should take place within 30 calendar days of hire or completion of the Field Training Officer (FTO) or Communication Training Officer (CTO) program. Except in extenuating circumstances, such as illness, family medical leave or similar situations, these meetings should be face to face.

New performance plans must also be completed within 30 days of a status-changing personnel action; e.g. transfer, upward movement, downward movement. The new plan should cover that portion of the annual cycle after the status change.

- 3. If the member disagrees with the plan or no plan is established within the time frames above, a review meeting involving the member, the immediate supervisor and the reviewer (next-level supervisor) should be completed by May 15<sup>th</sup> or within 45 days of hire for a new member or status change for a current member. This meeting should be face to face when practical, but can be conducted by tele-conference due to remote office location, illness or similar extenuating circumstances.
- 4. A member who still disagrees with the plan, or does not yet have a plan, after meeting with supervisor and the reviewer (next-level supervisor) can initiate the Dispute Resolution Process. This written process must be initiated within seven (7) calendar days of the meeting or the plan will become final without the member's

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signature. Please refer to **Section IV. Dispute Resolution Process** for further information. If the member does not take this step, the disagreement/dispute is considered resolved and the performance plan becomes final, with or without the member's signature.

- 5. Although supervisors are responsible for developing performance plans for each of their members, they are expected to involve members in the planning process to the greatest extent possible. Also, supervisors and members should discuss professional growth and training opportunities on an annual basis.
- 6. Classified supervisors who fail to establish performance plans for their members are not eligible for any performance award. Appointing authorities are responsible for ensuring each supervisor has conducted performance plans for his/her members.
- 7. If a supervisor fails to plan for each subordinate member in a timely manner, the reviewer (the supervisor's supervisor, or the member's next-level supervisor) is responsible for completing the plan. If the reviewer fails to complete the plan in a timely manner, the reviewer's supervisor is responsible for completing the plan. This continues up the chain of command to the appointing authority, and includes provisions that are required by law (CRS § 24-50-118).

#### B. Performance Review and Evaluation

- 1. All members will be evaluated in writing, using the CDPS 221 form, at least annually based on their job performance during the previous year. A supervisor's (rater's) annual recommended overall evaluation of a member's performance must be reviewed by the rater's supervisor (reviewer or next-level supervisor) prior to the recommended overall rating being given to the member.
- 2. Coaching and feedback during the performance year are required, including at least one mandatory and documented progress review. Interim reviews provide informal but specific feedback, identify areas that need further development early on in the cycle, encourage regular communication, and decrease the potential for unanticipated outcomes at the time of the evaluation. This interim progress review meeting should be held no later than September 30.
- 3. Supervisors are encouraged to hold coaching and feedback meetings more often than that which is required. Members who are new to the Department or the position, or who are working under performance improvement plans, need more frequent meetings. For new members, the supervisor and member may agree upon a mutual time frame for these meetings to occur.

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- 4. For members working under performance improvement plans, a mandatory review must be held as defined in the performance improvement plan until the improvement goal is reached or corrective or disciplinary action is initiated.
- 5. State Personnel Rules and the State Personnel Director's Administrative Procedures stipulate that the supervisor is responsible for rating each subordinate. CDPS's plan requires that members have the opportunity to provide input into their performance evaluation prior to the rating being given.
- 6. If a member has more than one supervisor, it is the responsibility of the supervisors to jointly evaluate the plan for that member, balancing the evaluation to the greatest extent possible.
- 7. A member's final evaluation for the annual performance cycle should be completed after March 31<sup>st</sup> and no later than April 30<sup>th</sup>. Completed final evaluations are due to CDPS Human Resource Services no later than April 30<sup>th</sup> each year. If a member's evaluation is in dispute on April 30<sup>th</sup>, the supervisor must notify CDPS HRS.
  - a. Final evaluations are also required within 30 days of a status-changing personnel action; e.g. transfer, upward movement, downward movement. The evaluation should cover that portion of the annual cycle prior to the status change, and must be received by CDPS HRS no later than 45 days after the date of the personnel action. A copy of this evaluation must be forwarded to the new appointing authority or agency.
  - b. For a member hired between January 1<sup>st</sup> and March 31<sup>st</sup>, a supervisor is not required to assign an annual performance for that period. A default rating of Level 2 will be assumed unless the supervisor assigns a different interim rating.
  - c. For a member who has successfully completed the Patrol's FTO/CTO program between January 1<sup>st</sup> and March 31<sup>st</sup>, a supervisor is not required to assign an annual performance rating for that period. A default rating of Level 2 will be assumed unless the supervisor assigns an interim rating.
- 9. The first step in the evaluation process is for the member and the supervisor to meet and discuss the evaluation. Except in extenuating circumstances, such as illness or similar situations, these meetings should be face to face.
- 10. Immediate supervisors should meet with their subordinate members for a preliminary review of the evaluation, to ensure that

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- the member has an opportunity for input. Both the member and the supervisor should prepare for this meeting.
- 11. After meeting to review the initial evaluation with the member, the supervisor will prepare the final evaluation and recommended overall rating. The reviewer (next-level supervisor) should review the final evaluation <u>before</u> it is given to the member by the supervisor.
- 12. A description of the internal dispute resolution process, including time lines and name or position of the appointment authority (or PMP decision-maker) shall be given to members annually at the time of evaluation. This information will be contained in the CDPS 221 Performance Plan and Evaluation form for the performance planning cycle that begins April 1, 2002. The member will be provided a copy of this form at the time the final evaluation is given.
- 13. A member who disagrees with the final evaluation may request a meeting with the supervisor. This request must be made in writing within 5 working days of being given the final evaluation. The requested meeting must be held within 5 work days of the supervisor's (rater's) receipt of the written request. This meeting should be approached as a problem-solving action, not as a legal or adversarial meeting. The rater (supervisor), and the member may agree to make changes to the final evaluation, if a consensus can be reached.
- 14. A member who still disagrees with the final evaluation after meeting with the supervisor can initiate the Dispute Resolution Process. This written process must be initiated within seven (7) calendar days of the meeting or the plan will become final without the member's signature. Please refer to **Section V. Dispute Resolution Process** for further information.
- 15. Supervisors who fail to evaluate a member's performance are not eligible for any performance award and are subject to corrective and disciplinary action as mandated by CRS § 24-50-118 and the State Personnel Rules and Administrative Procedures.
- 16. If a supervisor is not available to provide a performance rating to the member, the next-level supervisor (the reviewer) is responsible for completing the rating. If the reviewer is not available to provide a rating, the responsibility continues up the member's chain of command. If a rating is not given, the overall evaluation shall be Level 2 until a final rating is completed.
- 17. The CDPS Human Resource Services Section will be responsible for tracking all member evaluations and notifying appointing authorities when a supervisor has failed to conduct an evaluation of a member's performance for the previous year.

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- 18. It is the responsibility of the reviewer (next-level supervisor) to ensure that individual performance evaluations are reviewed, as required by State guidelines.
- 19. Reviewers will gather and review evaluations for all members within their span of control to monitor the quality and consistency of those performance ratings, and to determine if individual member and work unit performance resulted in achievement of the division's goals. Reviewers are also encouraged to meet with other designated reviewers to ensure that performance is evaluated consistently within the Department.
- 20. Reviewers (next-level supervisors) will ensure that members receive a performance evaluation from their supervisor by April 30<sup>th</sup> of each year. For each evaluation outstanding on May 1<sup>st</sup>, the reviewer shall immediately issue a corrective action to the supervisor, giving him/her 30 calendar days to complete the evaluation, have it reviewed, and provide it to the member. If, at the end of the 30-day period, the evaluation process is not completed as directed, the reviewer shall suspend the immediate supervisor, pursuant to *State Personnel Rules and Administrative Procedures*, *P-6-2*. The reviewer will then complete the evaluation(s), which must be received at CDPS HRS no later than June 10<sup>th</sup>. Due to the time lines of the Performance Management Program and the award process, in this situation coordination between the reviewer and CDPS HRS is crucial.

If the next-level supervisor does not provide a member with an evaluation by June 8th, the next level(s) up the member's chain of command will evaluate the member. The evaluation must be received at CDPS HRS by close of business on June 10<sup>th</sup>.

If the supervisor fails to rate the member, a default rating of Level 2 shall be recorded for the member.

#### C. Record-Keeping and Reporting

- 1. It is the Department's plan to maintain all performance management records in a confidential, secured file.
- 2. All relevant PMP records will be included in the department's personnel file for each member and relevant information will be uploaded into EMPL.

PMP-related documents to be included in the personnel file are performance plans, evaluations, disputes, grievances, and resolutions. Records will be maintained in both written and electronic form, according to *State Personnel Rules and Administrative Procedures*. CDPS Human Resource Services will report information required by the State Personnel Director by specified deadlines.

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- 3. Payroll records are not part of the personnel file and will be maintained separately by an authorized department custodian.
- 4. Requests for release of performance rating and/or performance award information will be directed to the CDPS Human Resource Services Section. CDPS HRS will follow established guidelines in response to the request.
- 5. The Department will develop tools required to track and report performance and award information, including appropriations and awards to CDPS members. This report will include the total dollars appropriated for performance awards in prior fiscal years, the amount of those dollars awarded to members for performance awards, and the total amount of dollars awarded for each performance category. The Department will also track and report all non-monetary awards.

#### D. Program Review and Modification

The Team anticipates that changes will need to be made to CDPS's program as the Department discovers what works and what does not work. Changes in the State's guidelines and legislative decisions may require changes to the program. The program will again be reviewed in February, 2004. At that time, if any major adjustments are needed, a revised program will be submitted to State Personnel for review.

#### E. On-Going Program Evaluation

- 1. The CDPS Executive Team will review and revise these policies and procedures, as necessary, for the purpose of continually improving the implementation of the State's Performance Pay System and CDPS's Performance Management Program. The result should be more accurate and consistent ratings and awards across supervisors and raters.
- 2. The PMP Team will continue to play an active role in PMP after the implementation process. In order to assure a fair Performance Management Program, periodic meetings will be called by the CDPS PMP point person:
  - a. To continue to offer guidance concerning PMP implementation issues, and to identify and make recommendations to address problems and concerns as they arise;
  - b. To establish a mechanism to assure the implementation plan is being followed throughout the Department;
  - c. To provide ongoing evaluation of PMP within the Department to see if the established goals are being met; i.e., to compare theory to practice and to refine its plan as necessary;

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- d. To evaluate the adequacy of training provided, and to assess the need for further training; and
- e. To provide a continuum of communication and a feedback loop for members regarding PMP implementation within the Department.
- 3. The Team will also consider the use of surveys at critical points during PMP implementation, such as the end of each phase of implementation; e.g., after award allocation, after the dispute resolution process for the first performance management cycle, and after the first full year of implementation. Areas to evaluate include, but are not limited to, improved performance, improved employee satisfaction, improved manager satisfaction, improved customer services, cost analysis, employee retention, equity issues, budget accountability, and the PMP annual report.

#### F. Core Competencies and Performance Measures

Statewide uniform core competencies, which have been defined by the State Personnel Director, will be incorporated into every member's performance plan and be considered during every member's evaluation. Each member must be evaluated, at a minimum, on every required competency.

These competencies are so important to the basic performance of every state employee and CDPS member that, per the state's Performance Pay System, performance at Level 1 (Does Not Meet Standards) in any one of these required competencies will prevent a final, overall rating that is higher than Level 2 (Meets Standards). Members may also be rated on additional competencies and/or Individual Performance Objectives (IPOs), as agreed upon by the member and supervisor during the planning process. (Please refer to Section II.G.6. of this plan for further information on IPOs.)

- 1. A competency is a measurable pattern of skills, knowledge, abilities, behaviors and other characteristics that an individual needs to perform work roles or occupational functions successfully.
- 2. There are four (five for supervisors/managers) core competencies required for all state employees:
  - a. Communication
  - b. Interpersonal Skills
  - c. Customer Service
  - d. Organizational Accountability
  - e. Supervision (Supervisors/managers only)
- 3. There is one additional core competency required by CDPS for all of its members: Professional Competence.
  - a. Up to two additional (optional) competency areas may be developed for instances where the member and supervisor

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feel there are aspects of the individual's job responsibilities and performance that are not covered by the required, common areas.

- 4. The supervisor and the member are responsible for determining the appropriate weight (percentage of overall rating) assigned to each competency factor. Division directors may set weights for job classifications within their span of control. The score a member actually earns in each section will be based on the cumulative total of all competency areas. The weights of all competency areas must total 100%.
- 5. When completing the performance evaluation, the overall score or rating will be determined by multiplying the weight of the competency area times the level of performance (1, 2, 3, or 4) for that area. Quarter-points may be used (e.g., 3.75) but the rating for each area cannot exceed 4.

The points for each weighted area will be totaled, for a final score or rating between 100 and 400 points. The score will fall within one of the four levels of performance.

- 6. Every member may have up to 12 personal individual Performance objectives (IPOs) in the annual performance plan.
- 7. All supervisors will have a competency area in their own performance plans that measures and evaluates their effectiveness in implementing the Performance Management Program for all members within their span of control.

#### G. Training

- 1. Department-wide training began in March 2001. All CDPS supervisors were required to attend one of the training sessions offered at different locations throughout the state. Further and ongoing training for supervisors and members is being planned at the time this document is being published, and details will be given to all members as this training plan is implemented.
- 2. Supervisor training will include guidance in establishing work unit plans, writing plans driven by the line of sight, and additional training regarding writing and measuring IPGs.
- 3. The Department's diversity coordinator will continue to be involved in all aspects of the implementation and continuation of PMP.
- 4. A training manual for all members will be provided, and supervisors will ensure that all members read and complete the PMP Training Manual.

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5. The Team will provide ongoing information concerning PMP to members through the HRS web site<sup>1</sup>, the CDPS electronic bulletin board, and e-mail.

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<sup>1</sup> www.cdpsweb.state.co.us/hr/

#### III. Performance-Based Pay—Allocation and Award Distribution

Award dollars for performance-based pay are appropriated each year by the Legislature. The funding of, and the amount of, performance pay is subject to annual budget appropriations. Funding may not be available or appropriated each year.

The first payout of awards will occur in July of 2002. In future years, if funding is not available or appropriated, performance pay awards would not be available. All awards are subject to available funding and no award will be guaranteed.

PMP award dollars available for each division will be calculated and allocated based upon the same percentage of salary dollars that are appropriated to the department for that division.

In order to fulfill its mission, CDPS has set a goal to recruit, hire, and sustain employment of the highest quality employees. One way to meet that goal is to develop and competitively compensate its members.

Any member below the pay range maximum who is eligible for a performance award (a final overall rating of Level 2, 3 or 4) may receive a base-building award, up to the pay range maximum. A member at the pay range maximum who is eligible for a performance award (at a final overall rating of Level 4 only) shall be eligible for non-base-building awards and appointing authorities are encouraged to approve such awards within available funding.

- 1. The department and its divisions may not use excess personal services money to pay additional PMP awards. Per the state's System, award dollars may not be used for any purpose except performance pay awards.
- 2. Permanent members are eligible for a performance award each year (may be base-building, non-base-building, a combination of base-building and non-base-building or none). Temporary members are not eligible for performance awards.
- 3. Members with a final, overall rating of Level 1 are not eligible for a performance award.
- 4. Non-base-building awards will be fully paid in one lump sum in the July payroll. The Governor's Reward and Recognition Program remains in effect for any non-monetary awards.
- 5. The CDPS Executive Team has final approval authority of all performance award decisions within their respective divisions/organizations, based on the evaluations completed by raters and reviewers, and upon the CDPS PMP boundaries.
- 6. Effective for any awards for the evaluation cycle that begins April 1, 2001, and for each subsequent fiscal year, CDPS will specify the maximum award percentages for Levels 2 and 3 (X% and Y%) based on the department's budget, member demographics, and

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distribution of ratings. The maximum award for Level 4 (Z%) will be the maximum set annually by the State Personnel Director.

The minimum award for Level 2 must be greater than zeropercent, and the award percentage at each successive higher level of performance must be greater than the maximum award percentage for the lower level.

Performance Level	Amount of Award
Level 1 - Does Not Meet Standards	Not eligible for any award
<u>Level 2</u> - Meets Standards	X% (Greater than zero-percent)
Level 3 - Frequently Exceeds Standards	Y% (Greater than Level 2)
Level 4 - Consistently Exceeds Standards	Greater than Level 3, but no greater than Z%

**NOTE:** All awards are subject to available funding and no award will be guaranteed.

- 7. The upper limit on base-building is set at the range maximum in the annual July 1<sup>st</sup> compensation plan.
- 8. Regardless of performance level, a member cannot be granted an award or combination of awards greater than the set performance award maximum (Z%).
- 9. Determining Performance Award Amounts:

Level 1 performers are not eligible for a performance award.

Level 2 and Level 3 performers may receive base-building performance awards representing a percent of base salary, not to exceed range maximum.

Level 4 performers may receive base-building or non-base building performance awards, or a combination.

10. Performance Award Decision Level: Decision-making on the amount of performance awards awarded to members will be negotiated by the Executive Team with input from the department's budget staff. The value of performance awards (X% and Y%) will be specified annually based upon the department's budget. (Z% is set by the State Personnel Director annually.)

The values of X and Y will be determined after all ratings are finalized but before payments begin (the July following the close of the performance cycle). The department will use a budget allocation tool to track performance management and pay, and to

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- allow the Executive Team and budget officers to model and then allocate available funding.
- 11. The performance award amount for a new CDPS member hired between April 1 and December 31 will be one-twelfth of the full award for each month of employment during the performance cycle. There will be no payment if the member is hired on or after January 1. Appointing authorities are encouraged to make this information part of the hiring process so that new members are fully informed of this provision when hired. (See State Personnel Rules and Procedures P-3-19.)
- 12. The performance award for a member on leave without pay will not be affected, unless the member's date of service is adjusted as a result of the leave. For each month that CDPS HRS adjusts the member's service date, one month (one-twelfth) of the award payment will be deducted.
- 13. The performance award for a member who transfers laterally to a new position within the department, or is promoted within the department, is determined by the new appointing authority. The entire performance award, if any, comes from the new organizational unit's funding sources.
- 14. The performance award for members who transfer into CDPS from another state department will be determined based upon the status of that member's rating in their former department at the time of transfer. Appointing authorities should contact CDPS HRS prior to negotiating a transfer, in order to assess the impact on the transferring employee's performance pay award.
  - a. For members transferring with a final performance evaluation (<u>final rating</u>) at their former department, but before July 1<sup>st</sup>, the rating will be considered as any CDPS final rating, and any performance award will be determined under the provisions of the CDPS Performance Management Program Plan.
  - b. For members transferring with an <u>interim rating</u> from their former department, CDPS will conduct an interim rating for the remainder of the rating cycle. The interim ratings will be combined into a final rating on page 6 of the CDPS 221 form.
    - If the transfer occurs on or after January 1<sup>st</sup>, the CDPS interim rating can default to Level 2, as outlined in Section II.B.7.b of this Plan. The supervisor may also perform the rating. Any performance award will be determined in accordance with the CDPS PMP Plan.
  - c. If a member transfers into CDPS with <u>no rating</u> from their former department, CDPS will rate that member for the

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time they work at CDPS. If the transfer occurs on or after January 1st, the rating can default to Level 2, as outlined in Section II.B.7.b of this Plan. The supervisor may also perform a rating. Any performance award will be based upon the full rating cycle.

- 15. Members transferring out of CDPS to another state department after receiving their performance evaluations at CDPS but before July 1 will receive any performance award under the provisions of their new department's performance pay plan.
- 16. Members must still be employed on July 1 to receive performance awards from the previous performance cycle. After approval, base building increases will be reflected beginning with the member's July paycheck. Members receiving non-base building performance awards will receive lump sum payments on the July paycheck.
- 17. The first year transition to performance pay requires a proration (sometimes referred to as annualization] process. This process applies only for the first year's awards, for the April 1, 2001 through March 31, 2002 performance cycle (with payouts in July, 2002). Awards for members who received an anniversary increase in FY 02 (2001-2002) must be annualized or prorated, per the state Performance Pay System. This process will bring everyone to a common "anniversary" date of July 1.

For all members, the award percentage will be calculated as in any other year. In the July, 2002 payout, for those members who received an anniversary increase in FY 02, the member's actual dollar award will be calculated based on their anniversary date. That dollar amount will then be spread over an entire year (12 months).

Members who did not receive an anniversary increase in FY 02 will receive the full 12 months of their performance award.

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### Performance management award setting at a glance

Performance level	<u>Level 1</u> Does not Meet Standards	<u>Level 2</u> Meets Standards	<u>Level 3</u> Frequently Exceeds Standards	Level 4 Consistently Exceeds Standards
Member <u>below</u> their range maximum - eligible for performance awards	Not eligible	Yes, eligible for base building.  An award that results in a dollar amount greater than the range maximum cannot be granted.	Yes, eligible for base building.  An award that results in a dollar amount greater than the range maximum cannot be granted.	Yes - eligible for base building, non-base-building or combination. A non-base-building award may be granted that exceeds the range maximum at the sole discretion of the appointing authority.
Member <u>at</u> their range maximum (or in saved pay) - eligible for performance awards	Not eligible	No	No	Non-base-building at the sole discretion of the appointing authority
Award amount if below range maximum	Not eligible	X% (Greater than zero- percent)	Y% (Greater than Level 2)	Greater than Level 3 but no greater than Z%
Award if amount is at their range maximum (or in saved pay)	Not eligible	\$0	\$0	\$0 to Z%

The minimum award for Level 2 performers must be greater than zero-percent (or X%) but less than Y%.

The minimum award for Level 3 performers must be greater than X%, but less than Z%; and for Level 4 performers, greater than Y% but not greater than Z%. Regardless of performance level, an employee cannot be granted an award or combination of awards than the set performance award maximum.

CDPS will set the value of X and Y. The State Personnel Director sets the upper limit for the value of Z.

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#### IV. Dispute Resolution Process

CDPS will use a procedure designed to encourage resolution of disputes at the lowest level. This will be an open and impartial process that is not a grievance or appeal. If the dispute is not resolved at the first level, the member may request review up through the chain of command to the appointing authority.

#### A. Overview and Guidelines

The State Personnel Board Rules and State Personnel Director's Administrative Procedures (hereinafter referred to as State Personnel Rules and Administrative Procedures), Chapters 6 - Performance, and 8 - Dispute Resolution are hereby incorporated by reference as part of this Dispute Resolution Process. A copy of the rules and procedures is available on the Internet at: <a href="https://www.state.co.us/dhr/rules/ruleshome.htm">www.state.co.us/dhr/rules/ruleshome.htm</a>

www.state.co.us/dhr/rules/ruleshome.h
or on the CDPS HRS web page at:
www.cdpsweb.state.co.us/hr/

You may also contact HRS for a copy.

The Dispute Resolution Process consists of two stages, an Internal Stage and an External Stage. As required by the State system parameters, the State Personnel Director retains jurisdiction for disputes related to performance evaluations that do not result in corrective or disciplinary actions.

State Personnel Director's Administrative Procedures, Chapter 8, specify that disputes are not subject to the Personnel Board's grievance process unless a corrective action is involved or discrimination is alleged.

The information in this Section A is simply an overview of the CDPS Dispute Resolution Process. Please refer to the appropriate section of this chapter for procedures and timelines.

- 1. The following guidelines apply to the CDPS process for the Internal Stage.
  - a. The purpose of this process is to resolve disputes concerning performance management that may arise between a member and supervisor. A problem-solving approach is strongly recommended. This process is not intended to be legalistic or adversarial.
  - b. The dispute resolution process must be open and impartial, and must allow the parties an opportunity to have issues heard. The parties to the dispute may have an advisor present, but the parties are expected to represent and speak for themselves. This does not translate to an absolute right to legal representation. Please refer to the *State*

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Personnel Director's Administrative Procedures for the definition of an advisor.

Staff of the CDPS Human Resource Services Section may assist members only with information about rules, process and procedures. They should not advise parties how to approach a specific concern or give any advice relating to the substance of the dispute.

- c. In this process, a dispute will be heard and timely decisions will be made after all relevant information has been reviewed. All decisions will be provided in writing and must fully address the member's concern(s).
- d. A dispute should be resolved at the lowest possible level. The first step in the resolution of a disagreement (or dispute) is for the member to informally discuss it with the supervisor.
- e. If the disagreement is not resolved after meeting with the level supervisor, the member must submit the dispute, in writing, to the next-level supervisor (reviewer) to initiate the Internal Stage of the Dispute Resolution Process. If not resolved, the process advances up the chain of command to the appointing authority or the delegated decision-maker.
- f. The dispute will be heard by the appointing authority and a timely decision rendered after all relevant information has been reviewed.
- g. Members should treat each other with respect and courtesy throughout the process. Retaliatory behavior toward any person involved in this process is prohibited (*State Personnel Director's Administrative Procedures P-8-19.*).
- h. Final resolution of issues concerning the individual's performance plan (or lack of plan) and the individual's performance evaluation shall occur within the Internal Stage. Members will have no further recourse for resolution of these disputes.
- i. Disputes concerning application of the Department's Performance Management Program, policies or processes, or full payment of an award (if relevant) may proceed beyond the Internal Stage (department level) to the State Personnel Director (External Stage) after completion of the Internal Stage process.
- 2. The External Stage of the Dispute Resolution Process is administered by the State Personnel Director. Only those original issues involving the application of the Department's performance plan to the individual performance plan and/or evaluation, or full

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- payment of an award, may advance to this stage. <u>Disputes are not grievances or appeals.</u>
- 3. The CDPS 221 Performance Management Planning and Evaluation Form contains the steps involved in the CDPS Internal, and the State's External, Dispute Resolution Process. This information provides all members with written notice that they may, after completion of the internal dispute resolution process, submit a written request to the state personnel director (external dispute resolution process) for disputes concerning the application of the CDPS performance management program or full payment of an award [refer to Section IV.E). The notice includes deadlines for filing; lists of what must be included in the request; and the address for filing.

#### B. Parameters of this Resolution Process

- 1. Members may dispute only the following issues under this Dispute Resolution Process:
  - a. Their own performance plan, or lack of a plan during the planning cycle
  - b. Their own <u>final</u> overall rating, or lack of a <u>final</u> rating for a planning cycle
  - c. The application of the CDPS Performance Management Program, policies, or process to the individual member's plan and/or evaluation
  - d. Full payment of any performance award
- 2. The following issues are not disputable under this Dispute Resolution Process:
  - a. The evaluations or awards of any other members
  - b. The content of the CDPS Performance Management Program
  - c. Matters related to the funds appropriated for performance
  - d. The amount of a performance award, including whether it is base or non-base building, any combination or none (if relevant to new pay plan), unless the issue involves the application of the Department's Performance Management Program.
  - e. Any interim rating
- 3. The appointing authority, or his designee, within each division and the Executive Director's Office (EDO) shall be the decision makers concerning disputes within their division.
- 4. Decision makers are limited to addressing facts surrounding the current action and shall not substitute their judgment for that of the rater and reviewer, but may instruct raters to:

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- a. Follow the department's program
- b. Correct errors
- c. Reconsider a performance rating or plan
- d. Suggest other appropriate processes (for example, provide further documentation supporting a rating)

The decision-maker cannot make a decision that would alter the Department's Performance Management Program (PMP).

- 5. Only issues originally presented in writing shall be considered throughout the resolution process.
- 6. A copy of each final decision made within a division or the EDO shall be promptly forwarded to the CDPS Human Resource Services Director.

#### C. Internal Process for Disputes Concerning Performance Plans

- 1. A member who still disagrees with the performance plan, or does not have a plan, after the initial review meeting with the supervisor [see Section II.A) can initiate the Dispute Resolution Process. This process must be initiated in writing within seven (7) calendar days of the meeting with the supervisor or the plan will become final without the member's signature. The written request for a review must include the issues that remain in dispute and it must be made to the member's next-level supervisor (reviewer). If the member does not take this step, the disagreement/dispute is considered resolved and the performance plan becomes final, with or without the member's signature.
- 2. When conducting a review, the next-level supervisor will review the plan, after receiving written responses to the member's request for review from the member's supervisor. A meeting among all of the parties may also be held. The reviewer will have 5 work days from the date of receiving a request for review to reach a decision, which must be in writing and given to the member and the supervisor. If the dispute is not resolved at this level, the member may request a review from the next level in the chain of command, and if not resolved, the process continues up the chain of command to the decision maker (the appointing authority or delegate. The decision maker will have 5 work days from the date of receiving a request for review to render a written decision. These time lines may be waived upon the mutual agreement of the member and the appointing authority/decision maker.
- 3. If the request reaches the decision maker and if the decision maker is the appointing authority's delegate, the appointing authority will also be notified of the decision.
- 4. The appointing authority's or decision maker's decision on issues involving an individual performance plan concludes the Internal

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- Stage of the Dispute Resolution Process and is final and binding. (*State Personnel Director's Administrative Procedures P-8-17.A.*)
- 5. Members who do not receive a performance plan from their supervisor by April 30th of each year shall inform the immediate supervisor's supervisor (next-level supervisor). The next-level supervisor must provide the member with a written plan by May 15th.
- 6. Supervisors who do not provide (or ensure the provision of) a performance plan to their subordinate members by May 15<sup>th</sup> or within 30 days of hire or a status-changing personnel action shall be subject to *State Personnel Rules and Administrative Procedures*, *P-6-2*.

#### D. Internal Process for Disputes Concerning Performance Evaluations

- 1. A member who disagrees with the final evaluation after a review meeting with the supervisor can initiate the Dispute Resolution Process. This process (see Section II.B.12) must be initiated, in writing, within seven (7) calendar days of the meeting with the supervisor, or the evaluation will become final without the member's signature. The written request for a review must include the issues that remain in dispute and it must be made to the member's next-level supervisor (reviewer). If the member does not take this step, the disagreement/dispute is considered resolved and the performance evaluation becomes final, with or without the member's signature.
- 2. When conducting a review, the next-level supervisor will review the evaluation after receiving written responses to the member's request for review from the member's supervisor. A meeting among all of the involved parties may also be held. The reviewer will have 5 work days from the date of receiving a request for review to reach a decision, which must be in writing and given to the member and supervisor. If the dispute is not resolved at this level, the member may request a review from the next level in the chain of command, and if not resolved, the process continues up the chain of command to the decision maker (appointing authority or delegate). Since the time table for tracking evaluations and allocating awards is very short, a written decision must be made within 5 work days of the receipt of the request at each level of the chain of command. These time lines may be waived upon the mutual agreement of the member and the appointing authority/decision maker.
- 3. If the request reaches the decision maker and if the decision maker is the appointing authority's delegate, the appointing authority will also be notified of the decision.
- 4. The appointing authority's or decision maker's decision on issues involving an individual performance evaluation concludes the

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Internal Stage of the Dispute Resolution Process and is final and binding. (State Personnel Director's Administrative Procedures P-8-17.A.)

5. Supervisors who fail to evaluate a member's performance are not eligible for any performance award and are subject to corrective and disciplinary action as mandated by CRS § 24-50-118 and the State Personnel Rules and Administrative Procedures

#### E. The External Stage of the Dispute Resolution Process

- 1. As required by *State Personnel Rules and Administrative Procedures*, the External Stage of the CDPS Dispute Resolution Process provides for the review of a member's written request by the State Personnel Director. The State Personnel Director shall establish time lines regarding the deadlines for filing and completion of the process, which shall be contained in Chapter 8 of the *State Personnel Director's Administrative Procedures*.
  - a. A member must exhaust the remedies provided for by the Internal Stage of the process before proceeding to the External Stage.
  - b. The review at the External Stage is limited to:
    - 1) Application of the department's performance management plan to the individual member's plan or final rating, or lack of a final rating.
    - 2) Full payment of an award.
- 2. A member's written request for review by the State Personnel Director must be made within five (5) working days of the Department's final decision. A copy of the original written dispute and final Department decision must be included with the employee's written appeal to the State Personnel Director. Only original issues concerning those matters that are disputable are allowed at this stage. No new issues are allowed.
- 3. A neutral third party is selected by the state personnel director to make the decision regarding the dispute.
- 4. A written decision is issued within 30 days of receipt. The decision is final and binding.

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Rater							
Rating							
calculation of overall score or rating							
criteria							
final overall							
final rating							
if not given to member							
labels							
Level 1							
Level 2						. 16	

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Rating (cont'd)			
Level 3		5	, 6
Level 4		. 5, 6,	21
Level 4, unique and difficult to achieve			6
levels			5
quarter-points may be used			
recommended overall rating			
Record-keeping			
Records			
included in personnel file			16
payroll			
PMP			
Review meeting			
interim review			
progress review			
Reviewer			
fails to complete the plan		, ,	
monitor quality and consistency of ratings			
must complete evaluation if supervisor does not correct a			
responsible for completing the rating			
to ensure that evaluations are received			
Role model			
Salary			U
base		Ω	10
statutory lid		,	
5			
traditional maximum			
Senior Executive Service (SES)			
Service date			
Standards		,	,
standards of Professional			
State Personnel Director			
Chapter 8			
State Personnel Rules and Administrative Procedures	•		
Chapter 6 - Performance			
Chapter 8 - Dispute Resolution			
Internet site for			
P-3-19			
P-6-2			
P-8-17.A			
statutory salary lid			
Strategic plan			
alignment with (plan)			
Subjectivity			
Supervisor	12	2, 13,	15
classified			
collect information			5
competency area required for supervisors			19

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Supervisor (cont'd)	
fails to evaluate	31
fails to plan	30
feedback	5
member has more than one	14
next-level	12
next-level, must provide plan	30
not available to provide a performance rating	15
on-going dialogue with member	4
responsible for involving member in planning process	13
responsible for rating	14
suspension of	16
who does not provide performance plan subject to sanctions	30
will provide practical and on-going coaching and feedback	4
Temporary members	
Total Compensation Survey9,	10
Training	19
member	19
opportunities	13
supervisor	
Transfer	10
effect on performance award	23
final rating required for	14
into or out of CDPS from/to another state department	23
new plan	12
Upward movement	12
final rating required for	14
new plan	12
Weight	
calculation of overall score or rating	19
of competency	

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